

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PERTAINING TO IMPOSITION OF AN ADDITIONAL SURCHARGE TO FUND STATE COURT FACILITIES; PROVIDING FOR TITLE; PROVIDING FOR AUTHORITY; PROVIDING FOR IMPOSITION OF SURCHARGE; PROVIDING FOR USE OF FUNDS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature adopted Senate Bill 2962 relating to funding of the state courts system; and

WHEREAS, Section 60 of Senate Bill 2962 (2004) amended Section 318.18, Florida Statutes, to authorize a board of county commissioners to impose a surcharge of up to \$15, which is in addition to any penalties imposed for noncriminal traffic infractions pursuant to Chapter 318, Florida Statutes, or imposed for criminal violations listed in Section 318.17, Florida Statutes, for the purpose of funding state court facilities; and

WHEREAS, the Palm Beach County Board of County Commissioners desires to adopt an ordinance pursuant to Section 318.18(13), Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Title.

This Ordinance shall be titled the "Palm Beach County State Court Facility Surcharge Ordinance."

Section 2. Authority.

This Ordinance is enacted pursuant to the authority vested in the County by Section 318.18(13), Florida Statutes.

Section 3. Imposition of Surcharge.

A. In addition to any penalties imposed for non-criminal traffic infractions pursuant to Chapter 318, Florida Statutes, or imposed for criminal violations listed in Section 318.17, a surcharge of \$15 shall be imposed against all such infractions and violations for the purpose of funding state court facilities. The court shall not waive this surcharge.

B. The Clerk of the Court shall collect and distribute the surcharges imposed pursuant to this Ordinance to the County on a monthly basis, less the administrative fee provided for in this Section.

C. The Clerk of the Court shall withhold five percent of the total monthly surcharges it collects pursuant to this Ordinance for the cost of administering the collection of surcharges under this Ordinance or such amount as may be otherwise provided for by law.

Section 4. Use of Funds.

All funds collected pursuant to this Ordinance shall be used for the purpose of funding state court facilities or as otherwise provided for by law.

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Section 5. Repeal of Laws in Conflict.

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Severability.

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 7. Inclusion in the Code of Laws and Ordinances:

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 8. Effective Date.

The provisions of this Ordinance shall become effective on July 1, 2004.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the 22 day of June, 2004.

DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: Linda Collier
Deputy Clerk

By: Karen T. Marcus
Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: Anna Babi
County Attorney

Filed with the Department of State on the 24 day of June, 2004.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on June 23, 2004
DATED at West Palm Beach, FL on 7/13/04
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.